IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 17401 of 2004

Between:

Lanjapalli Simhachalam, S/o.Pentaiah,
R/o.Pidimgoyya, Rajahmundry Rural Mandal,
East Godavari District.

..... PETITIONER

AND

1. The Collector and District Magistrate, East Godavari District, Kakinada.
2. The Govt. of Andhra pradesh, rep.by its Chief Secretary, Hyderabad.
3. The Superintendent of Central prison, Rajahmundry.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas corpus under Art 226 of the Constitution of India directing the respondents to produce Langapalli prakash @ Pentayya @ Tarzan, S/o.Simhachalam, now detained in central prison, Rajahmundry, before this Hon'ble court and he may be ordered to be released forth with after declaring that his detention is illegal and void and pass.

Counsel for the Petitioner:MR.C.PRAVEEN KUMAR

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

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ORDER: (Per GB,J).

This writ petition is filed challenging the order of detention dated 18-8-2004 passed by the District Collector, East Godavari District, Kakinada.

2. The principal ground raised in this writ petition is that the petitioner-detenu has not been informed of the right of representation to the detaining authority. Therefore, it vitiates the entire order of detention as held by Supreme Court in **STATE OF MAHARASTRA v SANTOSH SHANKAR ACHARYA.**

3. Accordingly, the order of detention is quashed and the detenu shall be set at liberty forthwith if not required in any other case.

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(G. BIKSHAPATHY, J.)

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(Ch.S.R.K. PRASAD, J.)

Date: 12-10-2004

ES/KA

To

1. The Collector and District Magistrate, East Godavari District, Kakinada.
2. The Chief Secretary,Govt. of Andhra pradesh,
Hyderabad.
3. The Superintendent of Central prison, Rajahmundry.

4. 2CCs to the Advocate General, High Court Buildings, Hyderabad.

5. 2CD copies